

EXHIBIT 1

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**U.S. District Court
Southern District of California (San Diego)
CRIMINAL DOCKET FOR CASE #: 3:19-cr-04643-H-1**

Case title: USA v. Kher

Date Filed: 11/19/2019

Assigned to: Judge Marilyn L. Huff

Defendant (1)

Deepanshu Kher

represented by **Vikas Bajaj**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1030(a)(5)(A),(c)(4)(B)(i) - Intentional
Damage to a Protected Computer
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **U S Attorney CR**

U S Attorneys Office Southern District of
California
Criminal Division
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TERMINATED: 11/26/2019
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LEAD ATTORNEY
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Designation: Assistant United States
Attorney

Date Filed	#	Docket Text
11/19/2019	1	INDICTMENT as to Deepanshu Kher (1) count(s) 1. (cc: Pretrial Services) (dlg) (sjt). Modified on 11/25/2019 (cdw-v). Modified on 2/19/2020 case unsealed on 2/14/2019; pdf added (aef). (Entered: 11/20/2019)
11/19/2019	2	ARREST WARRANT ISSUED by Magistrate Judge Bernard G. Skomal in case as to Deepanshu Kher. (dlg) Modified on 11/25/2019 (cdw-v). Modified on 2/19/2020 case unsealed on 2/14/2019; pdf added (aef). (Entered: 11/20/2019)
11/26/2019	3	NOTICE OF ATTORNEY APPEARANCE for United States (cc: H Chambers) (dlg) Modified on 11/27/2019 (tb-v). Modified on 2/19/2020 case unsealed on 2/14/2019; pdf added (aef). (Entered: 11/27/2019)
01/21/2020		Arrest of Deepanshu Kher (no document attached) (lrc) (Entered: 02/14/2020)
02/07/2020	6	NOTICE OF ATTORNEY APPEARANCE appearing for Deepanshu Kher (1). (cc: H; Attorney Alexandra Foster, AUSA; Attorney Vikas Bajaj)(aef) Modified on 2/10/2020 (cdw-v). Modified on 2/19/2020 case unsealed on 2/14/2019; pdf added (aef). (Entered: 02/07/2020)
02/14/2020	7	Set/Reset Duty Hearings as to Deepanshu Kher: Arraignment on Indictment set for 2/14/2020 before Magistrate Judge Jill L. Burkhardt. (no document attached) (lrc) (Entered: 02/14/2020)
02/14/2020	8	Minute Entry for proceedings held before Magistrate Judge Jill L. Burkhardt: Government oral motion to unseal the Indictment is granted. Arraignment on Indictment and Initial Appearance as to Deepanshu Kher (1) Count 1 held on 2/14/2020. Not Guilty plea entered. Attorney Vikas Bajaj retained as counsel. Defendant stipulates to detention until bail

		review hearing on 2/25/20. (Status Hearing re Bail set for 2/25/2020 09:00 AM before Magistrate Judge Jill L. Burkhardt.) (Motion Hearing/Trial Setting set for 3/23/2020 02:00 PM before Judge Marilyn L. Huff.) (Sealed Clerk Notified) (CD# 2/14/2020 JLB 20-1:3:12-3:29). (Plaintiff Attorney Alexandra Foster AUSA). (Defendant Attorney Vikas Bajaj RET). (aje) (Entered: 02/18/2020)
02/14/2020	9	***English. No Interpreter needed as to Deepanshu Kher (no document attached) (aje) (Entered: 02/18/2020)
02/19/2020	<u>10</u>	MOTION for Protective Order <i>Regarding Discovery</i> by USA as to Deepanshu Kher. (Foster, Alexandra)(sxa). (Entered: 02/19/2020)
02/19/2020	<u>11</u>	ORDER Granting <u>10</u> Motion for Protective Order as to Deepanshu Kher (1). Signed by Judge Marilyn L. Huff on 2/18/2020.(sxa) (rmc). (Entered: 02/19/2020)
02/25/2020	12	Minute Entry for proceedings held before Magistrate Judge Jill L. Burkhardt: Bond Hearing as to Deepanshu Kher held on 2/25/2020. Bond set, order to follow. (CD# 2/25/2020 JLB20 9:20 - 9:45). (Plaintiff Attorney Alexandra Foster). (Defendant Attorney Vikas Bajaj). (no document attached) (cxl) (Entered: 02/25/2020)
02/25/2020	<u>13</u>	ORDER Setting Conditions of Release. Bond set for Deepanshu Kher (1) \$50,000 C/CS. Signed by Magistrate Judge Jill L. Burkhardt on 2/25/20. (sxa) (Entered: 02/26/2020)
03/18/2020	<u>14</u>	MOTION for Discovery by Deepanshu Kher. (Attachments: # <u>1</u> Proof of Service Certificate of Service)(Bajaj, Vikas) (sxa). (Entered: 03/18/2020)
03/18/2020	15	NOTICE OF HEARING as to Defendant Deepanshu Kher (custody). At the request of defense counsel, with representation that government counsel has no objection, the date of 3/23/2020 02:00 PM is vacated and Motion Hearing/Trial Setting is reset for 5/26/2020 02:00 PM before Judge Marilyn L. Huff. Pending pretrial motions are on file that require a hearing before the Court. Accordingly, the Court continues the pretrial motions to the new hearing date and finds valid excludable time under the Speedy Trial Act from the date of the filing of the discovery motion to the date of the new motion hearing. Time is also excluded in the interest of justice for the reasons stated in the Order of the Chief Judge No. 18 (S.D. Cal. March 17, 2020) (Burns, C.J.). (no document attached) (smy) (Entered: 03/18/2020)
05/20/2020	16	NOTICE OF HEARING as to Defendant Deepanshu Kher (custody). In light of the judicial emergency declared by the Chief Judge as outlined in the Order of the Chief Judge No. 27 (S.D. Cal. May 15, 2020) (Burns, C.J.), the date of 5/26/2020 02:00 PM before this Court is vacated and Motion Hearing/Trial Setting is reset for 6/22/2020 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Pending pretrial motions are on file that require a hearing before the Court. Accordingly, the Court continues the pretrial motions to the new hearing date and finds valid excludable time under the Speedy Trial Act from the date of the filing of the discovery motion to the date of the new motion hearing. Time is also excluded in the interest of justice for the reasons stated in the Order of the Chief Judge No. 18 (S.D. Cal. March 17, 2020) (Burns, C.J.), Order of the Chief Judge No. 24 (S.D. Cal. April 15, 2020) (Burns, C.J.), and Order of the Chief Judge No. 27 (S.D. Cal. May 15, 2020) (Burns, C.J.). (no document attached) (smy) (Entered: 05/20/2020)
06/17/2020	17	NOTICE OF HEARING as to Defendant Deepanshu Kher (custody). At the request of defense counsel, with no objection from government counsel, the date of 6/22/2020 02:00 PM is vacated and Motion Hearing/Trial Setting is reset for 8/10/2020 02:00 PM in Courtroom 15A before Judge Marilyn L. Huff. Pending pretrial motions are on file that require a hearing before the Court. Accordingly, the Court continues the pretrial motions to the new hearing date and finds valid excludable time under the Speedy Trial Act from the date of the filing of the discovery motion to the date of the new motion hearing. Time is

		also excluded in the interest of justice for the reasons stated in the Order of the Chief Judge No. 18 (S.D. Cal. March 17, 2020) (Burns, C.J.), Order of the Chief Judge No. 24 (S.D. Cal. April 15, 2020) (Burns, C.J.), Order of the Chief Judge No. 27 (S.D. Cal. May 15, 2020) (Burns, C.J.), and Order of the Chief Judge No. 30 (S.D. Cal. June 11, 2020) (Burns, C.J.); <u>See also In re Approval of the Judicial Emergency Declared in the S. Dist. of California</u> , 955 F.3d 1135, 1136 (9th Cir. 2020) (Thomas, C.J.). (no document attached) (smy) (Entered: 06/17/2020)
08/06/2020	18	NOTICE OF HEARING as to Defendant Deepanshu Kher (custody). At the joint request of the parties, the date of 8/10/2020 02:00 PM is vacated and Motion Hearing/Trial Setting is reset for 10/5/2020 02:00 PM before Judge Marilyn L. Huff. Pending pretrial motions are on file that require a hearing before the Court. Accordingly, the Court continues the pretrial motions to the new hearing date and finds valid excludable time under the Speedy Trial Act from the date of the filing of the discovery motion to the date of the new motion hearing. Time is also excluded in the interest of justice for the reasons stated in the Order of the Chief Judge No. 18 (S.D. Cal. March 17, 2020) (Burns, C.J.), Order of the Chief Judge No. 24 (S.D. Cal. April 15, 2020) (Burns, C.J.), Order of the Chief Judge No. 27 (S.D. Cal. May 15, 2020) (Burns, C.J.), Order of the Chief Judge No. 30 (S.D. Cal. June 11, 2020) (Burns, C.J.), and Order of the Chief Judge No. 33 (S.D. Cal. July 13, 2020) (Burns, C.J.); <u>See also In re Approval of the Judicial Emergency Declared in the S. Dist. of California</u> , 955 F.3d 1135, 1136 (9th Cir. 2020) (Thomas, C.J.). (no document attached) (smy) (Entered: 08/06/2020)
09/18/2020	19	NOTICE of Lodgment of Plea Agreement by USA (Foster, Alexandra) (Entered: 09/18/2020)
09/21/2020	20	NOTICE OF HEARING as to Defendant Deepanshu Kher. At the request of defense counsel, Change of Plea Hearing set for 9/24/2020 02:00 PM before Magistrate Judge Jill L. Burkhardt. (no document attached) (mmr) (Entered: 09/21/2020)
09/22/2020	21	NOTICE OF CHANGE OF HEARING (TIME AND JUDGE) as to Defendant Deepanshu Kher. On Court's own motion, Change of Plea Hearing RESET for 9/24/2020 02:30 PM before Magistrate Judge Andrew G. Schopler. (mmr) (Entered: 09/22/2020)
09/24/2020	22	PLEA AGREEMENT as to Deepanshu Kher (mme) (Entered: 09/25/2020)
09/24/2020	23	FINDINGS AND RECOMMENDATION of the Magistrate Judge upon a Tendered Plea of Guilty as to Deepanshu Kher: Recommending that the district judge accept the defendant's plea of guilty. Signed by Magistrate Judge Andrew G. Schopler on 09/24/2020. (mme) (Entered: 09/25/2020)
09/24/2020	24	Minute Entry for proceedings held before Magistrate Judge Andrew G. Schopler: Change of Plea Hearing w/ Oral Consent to Rule 11 as to Deepanshu Kher held on 9/24/2020. Guilty plea tendered by Deepanshu Kher on count 1 of the Indictment. Excludable(s) started as to Deepanshu Kher: XK (9/24/2020-1/11/2021) Proposed plea tendered. PSR Ordered. Plea Agreement Filed. All pending motions withdrawn; Pending hearing dates vacated. Sentence With PSR set for 1/11/2021 09:00 AM before Judge Marilyn L. Huff. (CD# 9/24/2020 AGS 20:3:36-4:35). (Plaintiff Attorney Shivanjali Sewak, AUSA). (Defendant Attorney Vikas Bajaj., RET). (no document attached) (yeb) (Entered: 09/28/2020)
10/13/2020	25	ORDER ACCEPTING GUILTY PLEA as to count(s) 1 of the Indictment, as to Deepanshu Kher, adopting 23 Findings and Recommendation. Signed by Judge Marilyn L. Huff on 10/13/20. (jmo) (Entered: 10/13/2020)
11/19/2020	26	NOTICE OF HEARING as to Defendant Deepanshu Kher (custody). A Status Hearing re Counsel is set for 12/7/2020 10:15 AM before Judge Marilyn L. Huff. (cc: Attorney Dana

		M. Grimes). (no document attached) (smy) (Entered: 11/19/2020)
12/07/2020	27	Minute Entry for proceedings held before Judge Marilyn L. Huff: Status Hearing as to Deepanshu Kher held on 12/7/2020. The Court appoints Federal Defenders of San Diego, Inc. to advise the Defendant of the issues raised at the hearing. The Court orders the transcript of these proceedings sealed, absent further order of the Court. (Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Alexandra Foster, AUSA). (Defendant Attorney Vikas Bajaj, RET; Dana Grimes, S/A; Michelle Betancourt, FD-S/A; Leah Gonzales, FD-S/A). (copy to: Michelle Betancourt, Supervisory Federal Defender). (no document attached) (smy) (Entered: 12/07/2020)
12/07/2020	28	PRE-SENTENCE REPORT as to Deepanshu Kher. Report prepared by: Alexandra Platas. (Document applicable to USA, Deepanshu Kher.) (Luna, G.) (jpp). (Entered: 12/07/2020)
01/05/2021	32	SENTENCING SUMMARY CHART by Deepanshu Kher (Attachments: # 1 Proof of Service Certificate of Service)(Bajaj, Vikas) (jpp). (Entered: 01/05/2021)
01/05/2021	33	SENTENCING SUMMARY CHART by USA as to Deepanshu Kher (Foster, Alexandra) (jpp). (Entered: 01/05/2021)
01/11/2021	41	ORDER AUTHORIZING TELECONFERENCE as to Deepanshu Kher. Signed by Judge Marilyn L. Huff on 1/11/2021. (smy) (Entered: 01/11/2021)
01/11/2021	42	Minute Entry for proceedings held before Judge Marilyn L. Huff: Sentence With PSR Hearing as to Deepanshu Kher held on 1/11/2021. Defendant appearing via teleconference under the CARES Act. The Court finds in the interest of justice that the Defendant's appearance via teleconference is necessary and voluntary in this case. Defendant waives conflict and wishes to retain current defense counsel. The Court accepts the Defendant's waiver. Defendant witness c/s/t. Sentence With PSR continued to 2/8/2021 09:00 AM before Judge Marilyn L. Huff. (Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Alexandra Foster, AUSA). (Defendant Attorney Vikas Bajaj, RET; Mark Marion, RET; Michelle Betancourt, FD-S/A). (no document attached) (smy) (Entered: 01/11/2021)
01/21/2021	43	NOTICE OF FILING OF OFFICIAL TRANSCRIPT (Sentence with Pre-Sentencing Report) as to Deepanshu Kher held on 1/11/2021 before Judge Marilyn L. Huff. Court Reporter/Transcriber: Echo Reporting. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E-File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 2/11/2021. Redacted Transcript Deadline set for 2/22/2021. Release of Transcript Restriction set for 4/21/2021. (akr) (Entered: 01/21/2021)
01/28/2021	44	NOTICE of Intent to Request Redaction of 43 Transcript by Vikas Bajaj in case as to Deepanshu Kher. (Attachments: # 1 Proof of Service)(Bajaj, Vikas). (akr). (Entered: 01/28/2021)
01/29/2021	45	NOTICE OF HEARING as to Defendant Deepanshu Kher (custody). Pursuant to the Order of the Chief Judge No. 52C (S.D. Cal. Jan. 13, 2021) (Burns, C.J.) and Order of the Chief Judge No. 56 (S.D. Cal. Jan. 25, 2021) (Sabraw, C.J.), the date of 2/8/2021 09:00 AM is vacated and Sentence With PSR is reset for 3/22/2021 09:00 AM before Judge Marilyn L. Huff. (no document attached) (smy) (Entered: 01/29/2021)